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2013 SEP 27 AM 9:40

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNLOCK YOUR POTENTIAL,
LLC,

Plaintiff,

vs.

AGUSTIN URUZA, AN
INDIVIDUAL, TERESA
URUZA, AN INDIVIDUAL;
AND DOES 1 THROUGH 10,
INCLUSIVE,

Defendants.

Case No. EDCV 13-1683-UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because it has been removed improperly.

On September 17, 2013, defendants Agustin Uruza and Teresa Uruza, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented applications to proceed *in forma pauperis*. The Court has denied the latter applications under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, plaintiff could not have brought this action in federal court in
 2 the first place, in that defendants do not competently allege facts supplying either
 3 diversity or federal-question jurisdiction, and therefore removal is improper. 28
 4 U.S.C. §1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563,
 5 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship
 6 exists, the amount in controversy does not exceed the diversity-jurisdiction threshold
 7 of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer
 8 complaint recites that the amount in controversy does not exceed \$10,000.

9 Nor does plaintiff's unlawful detainer action raise any federal legal question.
 10 See 28 U.S.C. §§ 1331, 1441(b).

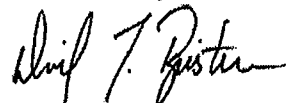
11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
 12 Superior Court of California, San Bernardino County, 8303 Haven Avenue, Rancho
 13 Cucamonga, CA 91730, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
 14 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and
 15 (3) that the Clerk serve copies of this Order on the parties.

16 IT IS SO ORDERED.

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 19 DATED: 9/25/13


 GEORGE H. KING
 CHIEF UNITED STATES DISTRICT JUDGE

21 Presented by:

22 
 23 _____
 24 David T. Bristow
 25 United States Magistrate Judge
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 27
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